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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,141	01/27/2006	Bjorn Ove Dalseide	53550.78	1896
Francis C. Hand Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart 5 Becker Farm Roseland, NJ 07068				
EXAMINER				
SALONE, BAYAN				
ART UNIT		PAPER NUMBER		
3726				
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09/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/566,141

**Applicant(s)**

DALSEIDE, BJORN OVE

**Examiner**

BAYAN SALONE

**Art Unit**

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 07/24/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-859)
- Paper No(s)/Mail Date 04/05/2006 and 05/02/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 14-17 are objected to because of the following informalities:

Claim 14, line 1 recites "claim 1" which appears to be a typo and should read "claim 13" since claims 1-12 were cancelled by the applicant.

Claim 15, line 1 recites "claim 1" which appears to be a typo and should read "claim 13" since claims 1-12 were cancelled by the applicant.

Claim 16, line 1 recites "claim 2" which appears to be a typo and should read "claim 14" since claims 1-12 were cancelled by the applicant.

Claim 17, line 1 recites "claim 1" which appears to be a typo and should read "claim 13" since claims 1-12 were cancelled by the applicant.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mischel (US Patent No. 4,572,258).

Regarding Claims 13 and 18, Mischel teaches a descaler head comprising a rotatable central support shaft (14); a plurality of pairs of disc-shaped plates (26, 22, 24) mounted on said shaft (14) for rotation therewith, each said plate having a pair of diametrically disposed deformed sections (28) directed in opposite directions relative to each other; and a plurality of descaler parts (18) mounted via rods (30) peripherally of and between said pair of disc-shaped plates (22, 24, 26) at a distance from said shaft (14), each said descaler part (18) extending outwardly of said pair of disc-shaped plates with said descaler parts mounted on said deformed sections (28) being longitudinally offset relative to the remainder of said descaler parts (18) whereby upon rotation of said shaft said descaler parts descacle overlapping sections on a surface to be descalled (Col. 1, Lines 43-62 and Col. 2, Lines 36-67, Figs. 2, 3, and 5).

Note: The examiner interprets the slots (28) as disclosed by Mischel to meet the limitations of the claimed deformed sections of the disc-shaped plates as no structure of the deformations is denoted by the applicant in the claims.

Regarding Claims 14 and 19, Mischel's disclosure as applied to claims 13 and 18 remain as previously applied. Mischel discloses wherein said descaler elements (18) define a spiral shaped pattern about said shaft.

Note: Although Mischel is silent to a spiral pattern about the shaft (14), the examiner interprets the alternation between descaler parts (19) along shaft (14) of Mischel's chain flail device to form a helical or spiral pattern (see Fig. 1). In other words, the helical pattern is created starting at the 12 o'clock position of the first set of four descaler parts, the 3 o'clock position of the next set of descaler parts, the 6 o'clock position of the next

set of descaler parts...and so on.

Regarding Claims 15 and 20, Mischel's disclosure as applied to claims 13 and 18 remain as previously applied. Mischel discloses wherein each said plate has one of an incision and groove (28) on diametrically opposite sides thereof to form two disc halves (22, 24, 26) with the two disc halves being deformed in mutually opposite directions (Col. 2, Lines 52-55, Fig. 5).

Regarding Claims 16 and 21, Mischel's disclosure as applied to claims 14 and 20 remain as previously applied. Mischel discloses wherein said one of an incision and groove is of a radial length equal to about half of a radius of said plate (see Fig. 5).

Note: Although Mischel is silent to the actual dimensions of the slots (28), it can be noted from Fig. 5 that the slots (28), being peripherally spaced along the plates terminate at a position that is approximately half the distance from the perimeter to the center of the plate.

Regarding Claims 17 and 22, Mischel's disclosure as applied to claims 13 and 18 remain as previously applied. Mischel discloses wherein each descaler part (18) includes a plurality of interconnected chain links (18) with an innermost chain link (19) being exchangeable fitted to said plates (22, 24, 26) (Col. 2, Lines 36-40, Lines 52-55 and Col. 3, Lines 60-67, Fig. 3).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 13-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAYAN SALONE whose telephone number is (571)270-7739. The examiner can normally be reached on M-Th, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571)-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bayán Salone/

/DAVID P. BRYANT/  
Supervisory Patent Examiner, Art Unit 3726